

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION AT CHICAGO**

LARRY J. COLLIER,)	
)	
Plaintiff,)	
)	
Vs.)	Case No.: 08 C 227
)	
WAL-MART STORES, INC. and)	
WAL-MART REAL ESTATE BUSINESS)	
TRUST,)	
)	
Defendants.)	

ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT

TO: Bridget A. Mitchell
One N. LaSalle St. #1325
Chicago, IL 60602

Thomas J. Tyrrell
1020 South Arlington Heights Rd.
Arlington Heights, IL 60005

NOW COME the Defendants, WAL-MART STORES, INC. and WAL-MART REAL ESTATE BUSINESS TRUST, by and through their attorneys, MOMKUS McCLUSKEY, LLC, and as and for their Answer to Plaintiff's Complaint, states as follows:

COUNT I – WAL-MART STORES, INC. – Negligence

1. Defendant WAL-MART STORES, INC. admits that on November 16, 2005, it operated a retail store located at 1555 North Rand Road, in Palatine, Illinois. All remaining allegations inconsistent herewith are denied.
2. Upon information and belief, defendant WAL-MART STORES, INC. admits the allegations in paragraph 2.

3. Defendant WAL-MART STORES, INC. admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART STORES, INC. denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART STORES, INC. denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART STORES, INC. respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just.

COUNT II – WAL-MART REAL ESTATE BUSINESS TRUST – Negligence

1. Defendant WAL-MART REAL ESTATE BUSINESS TRUST denies that it owned, leased, operated, managed, maintained or controlled, or contracted to do any of the aforementioned to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

2. Defendant WAL-MART REAL ESTATE BUSINESS TRUST denies that plaintiff was on its property on November 16, 2005, as this defendant did not own, lease, operate, manage, maintain or control, or contract to do any of the aforementioned, to the property located at 1555 North Rand Road, in Palatine, Illinois on November 16, 2005.

3. Defendant WAL-MART REAL ESTATE BUSINESS TRUST. admits to owing those duties imposed by Illinois law and none other. All allegations inconsistent herewith are denied.

4. Defendant WAL-MART REAL ESTATE BUSINESS TRUST denies the allegations contained in paragraph 4, including sub-paragraphs (a) – (j), and each of them.

5. Defendant WAL-MART REAL ESTATE BUSINESS TRUST denies the allegations in paragraph 5.

WHEREFORE, Defendant WAL-MART REAL ESTATE BUSINESS TRUST respectfully requests that this Honorable Court enter judgment in its favor and against the plaintiff, for costs, and for any other and/or further relief this court deems equitable and just. deems equitable and just.

MOMKUS McCLUSKEY, LLC

By: _____
s/ Pamela L. Pierro

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